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Customer No. 23990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	:	RONALD A. SCHACHAR
Serial No.	:	09/589,626
Filed	:	June 7, 2000
For	:	SCLERAL PROSTHESIS FOR TREATMENT OF PRESBYOPIA AND OTHER EYE DISORDERS
Group No.	:	3738
Examiner	:	David H. Willse

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Sir:

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2. Check in the amount of $330.00 for the Appeal Brief filing fee; and
3. Postcard receipt.

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 17, 2003.

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Sir:

APPELLANT'S BRIEF UNDER 37 C.F.R. §1.192

This brief is in furtherance of the Notice of Appeal filed in this patent application on October 17, 2003. The due date for Appellant's Brief is December 17, 2003.

The fees required under 37 C.F.R. §1.17(c), and any required petition for extension of time for filing this appeal brief and fees for any such extension of time, are dealt with in the accompanying transmittal letter.

This brief is transmitted in triplicate (37 C.F.R. §1.192(a)).

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. §1.192(c)):

I REAL PARTY IN INTEREST

II RELATED APPEALS AND INTERFERENCES

III STATUS OF CLAIMS

IV STATUS OF AMENDMENTS

V SUMMARY OF INVENTION

VI ISSUES

VII GROUPING OF CLAIMS

VIII ARGUMENTS

A. ARGUMENTS - REJECTION UNDER 35 U.S.C. § 101

B. ARGUMENTS - REJECTION UNDER 35 U.S.C. § 102(b)

C. ARGUMENTS - REJECTION UNDER 35 U.S.C. § 103(a)

IX APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

The final page of this brief before the beginning of the Appendix of Claims bears the attorney's signature.

I REAL PARTY IN INTEREST (37 C.F.R. §1.192(c)(1))

The real party in interest in this appeal is RAS Holding Corporation.

II RELATED APPEALS AND INTERFERENCES (37 C.F.R. §1.192(c)(2))

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, there are no such appeals or interferences.

III STATUS OF CLAIMS (37 C.F.R. §1.192(c)(3))

The status of the claims in this application are:

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are twenty four (24) claims in the application (Claims 1-24).

B. STATUS OF ALL THE CLAIMS

1. Claims previously canceled: None.

2. Claims withdrawn from consideration but not canceled: None.

3. Claims pending: Claims 1-24.

4. Claims allowed: Claims 22-24.

5. Claims objected to: None.

5. Claims rejected: Claims 1-21.

C. CLAIMS ON APPEAL

The claims on appeal are Claims 1-21.

IV STATUS OF AMENDMENTS (37 C.F.R. §1.192(c)(4))

No amendment was filed subsequent to the final rejection set forth in the Office Action of August 14, 2003.

V SUMMARY OF INVENTION (37 C.F.R. §1.192(c)(5))

The present invention relates to the treatment of presbyopia and other eye disorders. Presbyopia is the universal decrease in the amplitude of accommodation of the eyes that is typically observed in individuals over forty years of age. In an individual who has normal vision, the ability to focus on near objects is gradually lost, and the individual then needs glasses for tasks requiring near vision, such as reading. In the present invention presbyopia is treated by increasing the amplitude of accommodation of an eye by increasing the effective working distance of a muscle in the eye that is referred to as a ciliary body. The effective working distance of the ciliary body is increased by expanding the sclera of the eye in the region of the ciliary body. The expansion may be accomplished by implanting a prosthesis 100 within a scleral pocket surgically formed within the sclera of the eye in the region of the ciliary body. When the prosthesis 100 is located within the scleral pocket, the prosthesis 100 applies force to the scleral pocket and causes the sclera to expand. This increases the effective working distance of the muscle of the ciliary body and allows the lens of the eye to focus on near objects.

One advantageous embodiment of the prosthesis 100 of the present invention comprises a body 100 having a first end 105a and a second end 105b (Figures 1-5, Specification Page 13, Line 14 to Page 17, Line 7). The body 100 has a top surface 110 that contacts the scleral tissue within the scleral pocket when the prosthesis 100 is located within the scleral pocket. The body 100 has a bottom surface 120 that contacts the scleral tissue within the scleral pocket when the prosthesis 100 is located within the scleral pocket. Ends 105a, 105b and top surface 110 and bottom surface 120 provide a means for stabilizing the prosthesis 100 within a surgically formed scleral pocket thereby enabling prosthesis 100 to substantially permanently exert an outward force on the scleral pocket to elevate the portion of the sclera attached thereto to increase the effective working distance of the ciliary muscle. (Specification, Page 15, Lines 13-19).

VI ISSUES (37 C.F.R. §1.192(c)(6))

A. Whether the Examiner erred in finally rejecting Claims 1-21 under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter.

B. Whether the Examiner erred in finally rejecting Claims 1-7 and Claims 12-17 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,354,331 to *Schachar*.

C. Whether the Examiner erred in finally rejecting Claims 8-11 and Claims 18-21 under 35 U.S.C. § 103(a) as being obvious in view of United States Patent No. 5,354,331 to *Schachar*.

VII GROUPING OF CLAIMS (37 C.F.R. §1.192(c)(7))

Claims 1-21 were rejected under 35 U.S.C. § 101 as allegedly claiming nonstatutory subject matter. Claims 1-7 and Claims 12-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Schachar*. Claims 8-11 and Claims 18-21 were rejected under 35 U.S.C. § 103(a) as being obvious in view of *Schachar*. For purposes of this appeal, the pending claims will be grouped together as follows:

Group A - Claims 1-21 (all pending rejected claims);

Group B - Claims 1-7 and Claims 12-17; and

Group C - Claims 8-11 and Claims 18-21.

Patentability of the claims within each group is argued separately below.

VIII ARGUMENTS

A. ARGUMENTS - Rejection under 35 U.S.C. §101 (37 C.F.R. §1.192(c)(8)(v)):

35 U.S.C. §101 provides that "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title." The Examiner rejected Claims 1-21 for allegedly being drawn to nonstatutory subject matter. The Examiner stated "Claims 1-21 are rejected under 35 U.S.C. 101 because of the positive recitation of the sclera, ocular tissue, and other natural parts of the body (MPEP 2105, last paragraph)." (August 14, 2003 Office Action, Page 5-6). The portion of the Manual of Patent Examining Procedure (MPEP)

cited by the Examiner reads as follows:

> If the broadest reasonable interpretation of the claimed invention as a whole encompasses a human being, then a rejection under 35 U.S.C. 101 must be made indicating that the claimed invention is directed to nonstatutory subject matter. Furthermore, the claimed invention must be examined with regard to all issues pertinent to patentability, and any applicable rejections under 35 U.S.C. 102, 103, or 112 must all be made. (MPEP, Section 2105, Last paragraph).

The Applicant respectfully submits that Claims 1-21 do not claim any portion of a human body and therefore Claims 1-21 do not claim nonstatutory subject matter. The Applicants respectfully traverse the Examiner's assertion that Claims 1-21 positively recite "the sclera, ocular tissue, and other natural parts of the body." The Applicants also respectfully traverse any allegation that the "broadest reasonable interpretation of the claimed invention as a whole encompasses a human being."

Claims 1-21 of the patent application are directed to a "prosthesis." It is clear from the specification and claims of the patent application that the prosthesis of the present invention is an article of manufacture. A prosthesis is an article of manufacture that is designed to remedy a defect of a part of a body. In this case the part of the body is an eyeball. It is also clear that the term "prosthesis" by definition does not indicate, comprise or encompass any natural part of the body. For example, consider the language of Claim 1:

> 1. A prosthesis that contacts the sclera of an eyeball, said prosthesis comprising a body having a first end and a second end, said body having a planform that expands said contacted sclera to increase the effective working distance of the ciliary muscle of the eyeball. (Emphasis added).

The Applicant respectfully submits that the claim language of Claim 1 clearly shows that the prosthesis of the invention "contacts" the sclera of an eyeball. The Applicant also respectfully

submits that the use of the words "contacts" and "contacted" in Claim 1 makes it very clear that the prosthesis of the invention and the sclera are separate entities. The word "prosthesis" directly implies that the prosthesis is not a part of the eyeball or any other part of the body. The Applicant therefore respectfully submits that Claims 1-21 do not positively recite "the sclera, ocular tissue, and other natural parts of the body." Therefore Claims 1-21 do not claim nonstatutory subject matter.

The Appellant therefore respectfully requests that the Examiner's rejection of Claims 1-21 under 35 U.S.C. § 101 be withdrawn.

B. ARGUMENTS - Rejection under 35 U.S.C. §102(b) (37 C.F.R. §1.192(c)(8)(iii)):

In the Office Action of August 14, 2003 the Examiner rejected Claims 1-7 and Claims 12-17 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,354,331 to *Schachar*. The Applicant respectfully traverses these rejections.

Section 102, in pertinent part, provides that a "person shall be entitled to a patent unless . . . (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States." It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. *See, In re King*, 231 USPQ 136, 138 (Fed. Cir. 1986) (citing with approval, *Lindemann Maschinenfabrik v. American Hoist and Derrick*, 221 USPQ 481, 485 (Fed.Cir. 1984)); *In re Bond*, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534,

226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

With respect to any of Claims 1-7 and 12-17, a determination of anticipation in accordance with Section 102 requires that each feature claimed therein be described in sufficient detail in *Schachar* to enable one of ordinary skill in the art to make and practice the claimed invention.

The Applicants respectfully disagree with the Examiner's assertions regarding the subject matter disclosed in the *Schachar* reference. The Applicant respectfully submits that the *Schachar* reference does not show each and every limitation of the Applicant's invention. The Applicant directs the Examiner's attention to Claim 1, which contains unique and novel limitations:

> 1. A prosthesis that contacts the sclera of an eyeball, said prosthesis comprising a body having a first end and a second end, said body having a planform that expands said contacted sclera to increase the effective working distance of the ciliary muscle of the eyeball. (Emphasis added).

The scleral expansion band described in the *Schachar* reference does not comprise a body having a first end and a second end of the type described and claimed in the present Application. The scleral expansion band has the form of a continuous ring. There is no first end and there is no second end of the scleral expansion band described in the *Schachar* reference. Therefore, the *Schachar* reference does not anticipate Claims 1-7 and 12-17.

The Examiner stated that "Claims 1-7 and 12-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schachar, US 5,354,331. Embodiments described at column 7, lines 1-12, clearly possess at least one pair of ends (column 7, lines 6-8) and a planform defining contact surfaces and at least one diameter so as to expand the sclera to increase the effective working distance of the ciliary muscles of the eyeball, especially when the band is used in the manner

discussed at column 7, lines 36-42." (August 14, 2003 Office Action, Page 2, Lines 21-26). The Applicant respectfully disagrees with the Examiner's characterization of the *Schachar* reference as teaching embodiments that are "elongated with first and second ends."

The *Schachar* reference states: "The scleral expansion band may also be made in a plurality of parts that can be assembled prior to use or may be installed separately to form a complete band." (*Schachar*, Column 7, Lines 1-3). It is clear that the "plurality of parts" are assembled to form a "complete band." There is no teaching or suggestion of using the individual parts of the complete scleral expansion band separately (i.e., not formed into a complete ring). On the contrary, the individual parts of the scleral expansion band are always assembled into a complete band. The assembly of the parts may be "prior to use" (i.e., after the parts are assembled into a complete band, then the complete band is inserted into the sclera of the eye). Alternatively, the parts may be "installed separately" (i.e., connected to each other one at a time within the eye) "to form a complete band" within the sclera of the eye. In either case, the individual parts of the scleral expansion band are never used separately. They are always used in a complete, unitary scleral expansion band has the form of a continuous ring.

The portion of the *Schachar* reference cited by the Examiner also refers to a complete band structure and not to embodiments that are "elongated with first and second ends." "It is also possible to expand the sclera in the region of the ciliary body by positioning a band within or just inside the sclera, the band having a diameter just greater than the natural diameter of the overlying tissue." (*Schachar*, Column 7, Lines 26-29) (Emphasis added).

The Examiner also stated that the Applicant's argument that "[t]here is no first end and there is no second end of the scleral expansion band described in the Schachar reference" ignores the embodiment that is explicitly characterized as having ends (column 7, lines 6-8). (August 14, 2003 Office Action, Page 3, Lines 9-12). The Applicant respectfully points out that the reference to "ends" in the cited portion of the *Schachar* reference refers to "overlapping ends" of the complete ring that are fastened together during the construction of the complete ring of the scleral expansion band. The existence of "overlapping ends" is a temporary condition that occurs during the construction and adjustment of the circumference of the band. The "overlapping ends" cease to exist after the scleral expansion band has been formed. The circular scleral expansion band of the *Schachar* reference would not operate properly if the "overlapping ends" were not joined because there would be asymmetries introduced in the expansion forces generated by such an irregularly shaped expansion band. Claims 1-21 do not claim a prosthesis having "overlapping ends."

The Examiner stated that the *Schachar* reference disclosed embodiments that possessed (1) at least one pair of ends, and (2) a planform defining contact surfaces, and (3) at least one diameter so as to expand the sclera "especially when the band is used in the manner discussed at column 7, lines 36-42." (August 14, 2003 Office Action, Page 2, Lines 21-26). The Applicant respectfully submits that the Examiner has incorrectly interpreted the true nature of the embodiment shown in the *Schachar* reference. Unless the "overlapping ends" of the *Schachar* reference are connected before the scleral expansion band is placed into operation there is no "embodiment" in the *Schachar* reference that comprises a "planform defining contact surfaces" that is capable of performing the desired scleral expansion. Furthermore, unless the "overlapping ends" of the

Schachar reference are connected before the scleral expansion band is placed into operation there is no "embodiment" in the *Schachar* reference that comprises "at least one diameter" to perform the desired scleral expansion. If the "overlapping ends" are not connected to form a unitary ring for the scleral expansion band, then the ends can separate and form an irregularly shaped and asymmetric expansion band that will not properly perform the desired scleral expansion.

The Examiner has also stated that "Moreover, it must be pointed out that the transitional term 'comprising' is 'inclusive or open-ended and does not exclude additional, unrecited elements' (MPEP 2111.03) " (August 14, 2003 Office Action, Page 3, Lines 12-14). The Applicant respectfully submits that this rule is not applicable to the present situation because the use of the word "band" in the claims of the *Schachar* reference specifically limits the claimed subject matter of the *Schachar* reference to a scleral expansion band in the form of a closed ring. The Applicant therefore respectfully traverses the Examiner's conclusion that the scleral expansion band of the *Schachar* reference in the form of a closed ring "comprises a plurality of parts or bodies, each of which has first or second ends, a planform, and other features set forth in present claim 1 and others." (August 14, 2003 Office Action, Page 3, Lines 15-17).

For the reasons stated above, the Applicant respectfully submits that the *Schachar* reference does not anticipate the unique and novel elements of the Applicant's invention. Therefore, the rejection of Claims 1-7 and Claims 12-17 under 35 U.S.C. § 102(b) has been overcome. The Applicant respectfully requests that the rejection of Claims 1-7 and 12-17 under 35 U.S.C. § 102(b) be withdrawn.

C. ARGUMENTS - Rejection under 35 U.S.C. §103(a) (37 C.F.R. §1.192(c)(8)(iii)):

In the Office Action of August 14, 2003 the Examiner also rejected Claims 8-11 and Claims 18-21 under 35 U.S.C. § 103(a) as being obvious in view of United States Patent No. 5,354,331 to *Schachar*. The Applicant respectfully traverses these rejections.

During *ex parte* examinations of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of non-obviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 USPQ 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 USPQ2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art,

to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not be based on an applicant's disclosure. MPEP § 2142.

The Applicants respectfully submits that the Patent Office has not established a *prima facie* case of obviousness with respect to the Applicant's invention. The Applicant hereby incorporates by reference all of the comments and arguments that the Applicant has previously made in connection with the Examiner's rejection of claims under 35 U.S.C. § 102. The Applicant directs the Examiner's attention to amended Claim 8 which shows novel and unique features:

> 8. The prosthesis set forth in Claim 7 wherein said at least one of said first end and said second end has a partially concave top surface. (Emphasis added).

The Examiner stated that "Complementary concave and convex surfaces at the ends of the band would have been obvious in order that the overlapping 'ends may slide past one another' (column 7, lines 6-7) and '[t]he length of the overlap may be adjusted' (column 7, line 8-9) while maintaining a ring-like shape (via the tracking of the engaging concave and convex surfaces) and a substantially uniform thickness, such being especially desirable when the band is positioned within the sclera (column 7, line 37)." (August 14, 2003 Office Action, Page 3, Lines 2-7). The Applicant respectfully disagrees with the Examiner's characterization of the *Schachar* reference as teaching "complementary concave and convex surfaces at the ends of the band." The *Schachar* reference does not mention, suggest or even hint at the use of (1) concave surfaces, or (2) convex surfaces,

or (3) complementary concave and convex surfaces. The *Schachar* reference does mention using a scleral expansion band that is adjustable in circumference. "For example, the band may be formed from a strip of material, e.g., metal or synthetic resin, with overlapping ends so that the ends may slide past one another thereby adjusting the circumference of the band." (*Schachar*, Column 7, Lines 3-7). But there is no mention of concave or convex surfaces.

The Applicant respectfully asserts that the Examiner has inappropriately applied hindsight when combining the teachings of the *Schachar* reference and the concept of using concave or convex surfaces in a scleral prosthesis in order to arrive at the claimed invention recited in Claims 8-11 and Claims 18-21. The teaching of using concave or convex surfaces in a scleral prosthesis comes from the Applicant's patent application. Therefore, the Applicant respectfully submits that the rejection of Claims 8-11 and 18-21 under 35 U.S.C. §103(a) should be withdrawn.

Further, even if the concept of concave and convex surfaces could be properly combined with the *Schachar* reference, the combination would still not teach, suggest or hint at the Applicant's invention. Even if complementary concave and convex surfaces were used in the overlapping ends of the *Schachar* scleral expansion band, there is no teaching in *Schachar* to use individual sections of the scleral expansion band separately. The individual sections are always used in a completely formed unitary scleral expansion band.

The Examiner has also cited United States Patent No. 5,323,788 to *Silvestrini et al.* ("S*ilvestrini*") to show that complementary concave and convex surfaces may be employed in the overlapping ends of a split ring for adjusting corneal curvature. (August 14, 2003 Office Action, Page 4, Lines 1-3). However, neither the *Schachar* reference nor the *Silvestrini* reference teach,

suggest or even hint at using "partially concave" or "partially convex" surfaces in an individual scleral prosthesis element of the type claimed by the Applicant. Even though complementary concave and convex surfaces were used in the overlapping ends of the *Silvestrini* corneal curvature ring, there is no teaching, suggestion or hint in *Silvestrini* to use "partially concave" or "partially convex" surfaces in individual scleral prosthesis elements of the type claimed by the Applicant.

For the reasons stated above, the Applicant respectfully submits that the *Schachar* reference does not render obvious the unique and novel elements of the Applicant's invention. Therefore, the rejection of Claims 8-11 and 18-21 under 35 U.S.C. § 103(a) has been overcome. The Applicant respectfully requests that the rejection of Claims 8-11 and 18-21 under 35 U.S.C. § 103(a) be withdrawn.

SUMMARY

For the reasons given above, the Appellant respectfully requests reconsideration and allowance of the claims and that this patent application be passed to issue.

A check in the amount of $330.00 is enclosed for the Appeal Brief filing fee. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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IX APPENDIX OF CLAIMS INVOLVED IN THE APPEAL (37 C.F.R. §1.192(c)(9))

The text of each claim involved in the appeal is as follows:

1. A prosthesis that contacts the sclera of an eyeball, said prosthesis comprising a body having a first end and a second end, said body having a planform that expands said contacted sclera to increase the effective working distance of the ciliary muscle of the eyeball.

2. The prosthesis set forth in Claim 1 wherein said body further comprises a top surface that contacts ocular tissue within a pocket surgically formed within the sclera of the eyeball.

3. The prosthesis set forth in Claim 2 wherein said top surface is circumferentially shaped and exerts an outward force on the scleral pocket to elevate the portion of the sclera attached thereto to increase the effective working distance of the ciliary muscle of the eyeball.

4. The prosthesis set forth in Claim 2 wherein said body further comprises a means for stabilizing said prosthesis within said surgically formed pocket within the sclera of the eyeball.

5. The prosthesis set forth in Claim 4 wherein said stabilizing means includes a bottom surface that contacts ocular tissue within said surgically formed pocket.

6. The prosthesis set forth in Claim 5 wherein an ocular tissue contact area of said bottom surface of said body is at least substantially equal to an ocular tissue contact area of said top surface of said body.

7. The prosthesis set forth in Claim 4 wherein said stabilizing means includes at least one of said first end and said second end that fixes said body within said surgically formed pocket.

8. The prosthesis set forth in Claim 7 wherein said at least one of said first end and said second end has a partially concave top surface.

9. The prosthesis set forth in Claim 7 wherein said at least one of said first end and said second end has a partially convex top surface.

10. The prosthesis set forth in Claim 7 wherein said at least one of said first end and said second end has a partially concave bottom surface.

11. The prosthesis set forth in Claim 7 wherein said at least one of said first end and said second end has a partially convex bottom surface.

12. A prosthesis that contacts the sclera of an eyeball, said prosthesis comprising a body having a first end and a second end, said body having a planform that expands said contacted sclera to increase the effective working distance of the ciliary muscle of the eyeball and further means for stabilizing said prosthesis within said surgically formed pocket within the sclera of the eyeball.

13. The prosthesis set forth in Claim 12 wherein said body further comprises a top surface that contacts ocular tissue within a pocket surgically formed within the sclera of the eyeball.

14. The prosthesis set forth in Claim 13 wherein said top surface is circumferentially shaped and exerts an outward force on the scleral pocket to elevate the portion of the sclera attached thereto to increase the effective working distance of the ciliary muscle of the eyeball.

15. The prosthesis set forth in Claim 12 wherein said stabilizing means includes a bottom surface that contacts ocular tissue within said surgically formed pocket.

16. The prosthesis set forth in Claim 15 wherein an ocular tissue contact area of said bottom surface of said body is at least substantially equal to an ocular tissue contact area of said top surface of said body.

17. The prosthesis set forth in Claim 12 wherein said stabilizing means includes at least one of said first end and said second end that fixes said body within said surgically formed pocket.

18. The prosthesis set forth in Claim 17 wherein said at least one of said first end and said second end has a partially concave top surface.

19. The prosthesis set forth in Claim 17 wherein said at least one of said first end and said second end has a partially convex top surface.

20. The prosthesis set forth in Claim 17 wherein said at least one of said first end and said second end has a partially concave bottom surface.

21. The prosthesis set forth in Claim 17 wherein said at least one of said first end and said second end has a partially convex bottom surface.

The text of each allowed claim is as follows:

22. A prosthesis for contacting the sclera of an eyeball, said prosthesis comprising:

a body having at least one end portion which is wider than an incision forming a scleral pocket for containing said prosthesis, a remainder of said body extending from said at least one end portion in a direction substantially perpendicular to a width dimension of said at least one end portion,

a bottom surface of said body having at least one concave region separated from an end of said body by a flat surface,

said at least one concave region having a radius of curvature of approximately five hundred microns,

whereby said prosthesis exerts an outward force on said scleral pocket to elevate a portion of the sclera attached thereto when said prosthesis is disposed within said scleral pocket, and

wherein said at least one end portion is configured to extend beyond said scleral pocket.

23. The prosthesis as set forth in Claim 22, wherein said body includes a major convex surface having a radius of curvature of approximately nine millimeters.

24. The prosthesis as set forth in Claim 22, wherein end portions of said body are sloped.